

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROSALIND SEARCY,  
 Plaintiff(s),

v.

ESURANCE INSURANCE COMPANY,  
 Defendant(s).

Case No. 2:15-cv-00047-APG-NJK

**ORDER**

(Docket No. 59)

Pending before the Court is a motion for leave for a second deposition of Plaintiff, filed on an emergency basis. Docket No. 59. The Court ordered a shortened briefing schedule. Docket No. 60. Plaintiff filed a response in opposition, and Defendant filed a reply. Docket Nos. 61, 62. The Court finds the motion properly decided without a hearing, *see* Local Rule 78-2, and hereby **VACATES** the hearing set for March 14, 2016. For the reasons discussed more fully below, the motion is hereby **GRANTED**.


Pursuant to Rule 30(a)(2)(A)(ii), a party must obtain leave of court before deposing a person that has already given a deposition in the case. “The propriety of deposing someone a second time addresses the discretion of the court. The court will generally not require a deponent to appear for a second deposition absent some showing of a need or good reason for doing so.” *Cuthbertson v. Excel Indus., Inc.*, 179 F.R.D. 599, 604 (D. Kan. 1998). Good cause for a second deposition may exist when, *inter alia*, new claims or defenses have been added, new parties have been added, or new documents have been produced. *See, e.g., Kress v. Price Waterhouse Coopers*, 2011 WL 5241852, \*1 (E.D. Cal. Nov. 1, 2011).

1 Defendant argues that sufficient justification exists for a second deposition of Plaintiff because  
2 she filed an amended complaint after her first deposition that included substantially more factual  
3 allegations than were included previously. *See, e.g.*, Docket No. 59 at 3. Plaintiff responds that  
4 Defendant was aware of all of these factual issues because they were all discernible from documents in  
5 Defendant's possession. Docket No. 61 at 2. Defendant has the better argument. Plaintiff's amended  
6 complaint is substantially more detailed than her initial complaint, and the addition of these new  
7 allegations into the operative pleading is sufficient cause in this case to allow a second deposition of  
8 Plaintiff.

9 Accordingly, for good cause shown, the motion for leave for a second deposition of Plaintiff is  
10 **GRANTED.**

11 IT IS SO ORDERED.

12 DATED: March 8, 2016

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16 Nancy J. Koppe  
17 United States Magistrate Judge  
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